



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,957	09/30/2003	David W. Armstrong	66638/41229	9261

7590

02/23/2006

Thomas A. Polcyn
Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101

EXAMINER

HAN, JASON

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/677,957	Applicant(s) ARMSTRONG ET AL.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 14-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13 and 28-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 30, 2006 have been fully considered but they are not persuasive.

2. In response to Applicant's argument, "As disclosed in the specification, the ring 200 has a radial groove 210 that receives the wiring for a photosensor 212 which is part of an electrical control circuit (not shown) for stabilizing the light from the light source. See page 10, lines 20-24. Since the lamp could be used with an external sensor (i.e., the sensor is separate from the lamp) neither the sensor ring nor the sensor are essential elements of the invention. Moreover, the lamp could be used without a sensor although the light provided by the lamp of such an embodiment would not necessarily be stabilized. Thus, the sensor ring is not an essential element" [underline added for emphasis], the Examiner makes note that the Applicant fails to establish an external sensor in the proposed embodiment of the invention [Page 10, Lines 20-24]. In addition, the Applicant teaches, "In making accurate PSP measurements to determine aircraft component loads, the requirements for the PSP illumination system have become even more critical. The illumination source must be (1) extremely stable in time while also withstanding changes in temperature and pressure, (2) provide the proper wavelengths of light with very little or no leakage in the detection band" ... [Page 2, Lines 23-29; underlines added for emphasis], which corroborates the critical nature/essentialness of the sensor ring in the Applicant's invention in stabilizing the illumination, and thus ensuring accurate PSP measurements.

Art Unit: 2875

Accordingly, the Examiner respectfully maintains the 35 U.S.C. 112, 2nd Paragraph rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-13, 28-35, and 36-50 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 5-13, 28-35, and 36-50 are rejected, whereby the sensor ring assembly is a feature which is taught as critical in the specification [Page 10] and is not recited in the claims, which fails to satisfy the enablement provision section of 35 U.S.C. 112 [MPEP 2164.08(c)]. An enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. In this case, the claimed invention must be enabled to measure pressure on a surface with pressure sensitive paint, which the sensor ring assembly is considered critical to perform said function via stabilizing the illumination. Applicant's invention, as identified in the specification [Page 2, Lines 23-32], corroborates the importance of a

Art Unit: 2875

sensor [sensor ring assembly in Applicant's embodiment and not an external sensor] that is dependent in making accurate PSP measurements.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-13, 28-35, and 36-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5-13, 28-35, and 36-50 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is a sensor ring assembly mounted at a front of the housing, whereby said element is considered essential with respect to stabilizing the illumination [Page 10 of the Specification], and thus, measuring pressure on a surface provided with pressure sensitive paint.

Allowable Subject Matter

5. Claims 5-13, 28-35, and 36-50 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraphs, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: With regard to Independent Claims 5, 28, and 36, the Applicant has sufficiently claimed a lamp assembly for measuring pressure on a surface provided with pressure sensitive paint, if incorporating the sensor ring assembly. The prior art fails to teach or

Art Unit: 2875

suggest the details of a lamp assembly for measuring pressure with pressure sensitive paint, whereby the combination of structural elements disclosed and claimed herein has never been taught, and all subsequent dependent claims would be allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

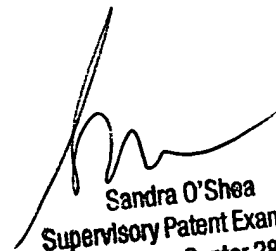
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M Han
Examiner
Art Unit 2875

JMH (2/17/2006)



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800